

**MINUTES  
LAKE COUNTY ZONING BOARD  
JANUARY 3, 2007**

The Lake County Zoning Board met on Wednesday, January 3, 2007 in the Commission Chambers on the second floor of the Round Administration Building to consider petitions for rezonings, conditional use permits, and mining site plans.

The recommendations of the Lake County Zoning Board will be submitted to the Board of County Commissioners at a public hearing to be held on Tuesday, January 23, 2007 at 9:00 a.m. in the Commission Chambers on the second floor of the Round Administration Building, Tavares, Florida.

**Members Present:**

Timothy Morris, Vice Chairman	District 1
Scott Blankenship	District 2
James Gardner, Secretary	District 3
Robert H. Herndon	District 4
Paul Bryan, Chairman	District 5
Donald Miller	At-Large Representative

**Members Not Present:**

Larry Metz	School Board Representative
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**Staff Present:**

Carol Stricklin, AICP, Director, Department of Growth Management  
R. Wayne Bennett, AICP, Planning Director, Planning and Development Services Division  
Brian Sheahan, AICP, Chief Planner, Planning and Development Services Division  
Alfredo Massa, Chief Planner, Planning and Development Services Division  
Rick Hartenstein, Senior Planner, Planning and Development Services Division  
Stacy Allen, Senior Planner, Planning and Development Services Division  
Karen Ginsberg, Senior Planner, Planning and Development Services Division  
Karen Rosick, Planner, Planning and Development Services Division  
Denna Levan, Associate Planner, Planning and Development Services Division  
Sherie Ross, Public Hearing Coordinator, Planning and Development Services Division  
Joan Greaney, Office Associate IV, Planning and Development Services Division  
Ross Pluta, Engineer III, Engineering Division  
John Maruniak, Jr., Transportation Planner/Engineer II, Engineering Division  
Melanie Marsh, Deputy County Attorney

Chairman Bryan called the meeting to order at 9:05 a.m. He led in the Pledge of Allegiance, and Timothy Morris gave the invocation. Chairman Bryan noted that a quorum was present. He confirmed the Proof of Publication for each case as shown on the monitor.

Chairman Bryan explained that speaker cards are available for anyone who wishes to speak on a case. He noted that a speaker card had been received for one of the cases on the consent agenda. Therefore, that case, CUP#07/1/1-4, will be removed from the consent agenda and placed on the regular agenda. He explained the procedure to be used in hearing cases on the regular agenda. He stated that all exhibits presented at this meeting by staff, owners, applicants, and those in support or opposition must be submitted to the Public Hearing Coordinator prior to proceeding to the next case.

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**Minutes**

**MOTION by Donald Miller, SECONDED by Timothy Morris to approve the December 6, 2006 Lake County Zoning Board Public Hearing minutes, as submitted.**

**FOR: Morris, Blankenship, Gardner, Herndon, Bryan, Miller**

**AGAINST: None**

**NOT PRESENT: Metz**

**MOTION CARRIED: 6-0**

**Discussion of Consent Agenda**

Rick Hartenstein, Senior Planner, stated that staff was in agreement that Agenda No. 2, CUP#07/1/1-4 should be removed from the consent agenda and placed on the regular agenda.

Consent Agenda

<b>CASE NO.:</b>	<b>PH#6-07-1</b>	<b>AGENDA NO.:</b>	<b>1</b>
<b>OWNER/APPLICANT:</b>	<b>William M. Sprinkle</b>		
<b>CASE NO.:</b>	<b>PH#1-07-1</b>	<b>AGENDA NO.:</b>	<b>3</b>
<b>OWNER/APPLICANT:</b>	<b>Michael J. Hogan</b>		
<b>CASE NO.:</b>	<b>PH#2-07-5</b>	<b>AGENDA NO.:</b>	<b>4</b>
<b>OWNER/APPLICANT:</b>	<b>Casey Collins and Isabella Collins</b>		
<b>CASE NO.:</b>	<b>PH#5-07-4</b>	<b>AGENDA NO.:</b>	<b>5</b>
<b>OWNER/APPLICANT:</b>	<b>William "Bill" Battillo, Vanguard Associates</b>		
<b>CASE NO.:</b>	<b>PH#4-07-1</b>	<b>AGENDA NO.:</b>	<b>6</b>
<b>OWNER:</b>	<b>Build Florida, Inc.</b>		
<b>APPLICANT:</b>	<b>Rudolph Rode</b>		

There was no one on the Board nor any speaker cards submitted in which a request was made to remove any of the above cases from the consent agenda.

**MOTION by Timothy Morris, SECONDED by Robert Herndon to take the following actions on the above consent agenda:**

<b>PH#6-07-1</b>	<b>Approval to R-1 zoning</b>
<b>PH#1-07-1</b>	<b>Approval to R-2 zoning</b>
<b>PH#2-07-5</b>	<b>Approval to amend CP Ordinance #29-82 to include general retail and professional office uses</b>
<b>PH#5-07-4</b>	<b>Approval to amend CP Ordinance #29-91 to include general retail and professional office uses</b>
<b>PH#4-07-1</b>	<b>Continuance to February 7, 2007</b>

**FOR:** Morris, Blankenship, Gardner, Herndon, Bryan, Miller

**AGAINST:** None

**NOT PRESENT:** Metz

**MOTION CARRIED:** 6-0

CASE NO.: CUP#07/1/1-4

AGENDA NO.: 2

**OWNER:** George H. Culpepper, Jr., Trustee  
**APPLICANT:** Shane Thompson for Greyhound Ranch  
Adoptions, Incorporated

Stacy Allen, Senior Planner, presented the case and staff recommendation of approval with conditions. She showed the aerial from the staff report on the monitor. She added that Richard Ornstein is present to represent the owner and applicant and would like to address this Board regarding the requirement of paved access to the site. When Timothy Morris asked about commercial waste disposal, Ms. Allen replied that the issue would be addressed in detail by the Environmental Health Department during site plan review. The property will utilize a septic system. Because it is located in the Wekiva River Protection Area (WRPA), a "super" septic system may be required.

Richard Ornstein, proposed buyer, stated that he and his wife currently live in unincorporated Seminole County on one acre of land. They want to move to Sorrento to build their dream home and fulfill their passion for greyhound adoption. This is a voluntary position; it is not a commercial venture. At his home in Seminole County, he generally has 15 to 25 dogs in foster care. When staff asked him what he would want as the maximum number, he chose 35; but he did not intend to ever reach that number.

At the request of Mr. Ornstein, Ms. Allen placed the proposed plan (County Exhibit A) on the screen.

Mr. Ornstein said he has dogs living on his property in Seminole County at the present time. He does not expect to increase the number of dogs when they move to Lake County, and there will be the same level of activity. However, this land purchase will allow him to have more space for his home and the dogs. Public will not be visiting the site. The dogs are shown at events and then people can apply for adoption through those efforts or on their web site; contact is made via e-mail or phone calls. A home visit is then made to interested parties. The site is used only for care of the dogs; the adoptions take place off site. This would not be a commercial kennel. The building will be air conditioned and have maximum soundproofing. Greyhounds are naturally quiet, docile animals. The dogs are outside a maximum of ten minutes, four times a day. Greyhounds must be indoor pets as they cannot handle the heat of the summer or cold weather. The facility will contain a small reception area at the front of the building with a second set of doors leading to the greyhound living area. Waste will be picked up after each outdoor run; Environmental Health requirements will be met. The exterior of the building will be complementary to the residences in the area. The building will not be degrading to the neighborhood in any sense. The access from CR 46A to Sahara Court, leading to the entrance of the property, is partially paved; Public Works said that generally the requirement is to pave the entire access to the entrance of the property. He requested a waiver to this requirement as there will be no public coming to the site since the adoption process occurs off site. There should be little, if any, impact to the surrounding area or the subdivision. The significant cost to pave the road would be difficult for the adoption group to cover.

In response to Robert Herndon, Mr. Ornstein said the greyhounds can begin racing at 18 months and are supposed to race no later than five years of age. Their life span is 12 to 14 years, but they typically get the dogs as retired racers at two to three years old. The hope is that they will continually have a flow of dogs out of the facility to adoptive homes.

Mr. Morris was informed by Mr. Ornstein that he has received no code violations regarding his facility in Seminole County. Although he lives in a subdivision, the neighbors have had no complaints. Seminole County does not have Conditional Use Permits; his zoning is RC-1. When Mr. Morris asked the average cost of the homes in the area where Mr. Ornstein will be moving to in Lake County, Mr. Ornstein said a 3500 square foot home would range in price from \$700,000 to \$1 million.

Referring to the plan on the screen, Mr. Ornstein pointed out that the kennel will be located to the rear of the property, and the setbacks to adjacent property owners will be large enough that there should be no noise issue. The primary use for this property is the residence. The kennel will utilize a very small part of the property.

**CASE NO.:** CUP#07/1/1-4 **AGENDA NO.:** 2  
**OWNER:** George H. Culpepper, Jr., Trustee **PAGE NO.:** 2  
**APPLICANT:** Shane Thompson for Greyhound Ranch  
Adoptions, Incorporated

Marianne Cassidy, one of the three property owners on Sahara Court, said Mr. Ornstein had answered most of her questions. She welcomed Mr. Ornstein to the neighborhood. She said she had questions about the entrance to the property. Mr. Ornstein said the existing gate with an electronic code to enter the property will remain to serve a gated community of two homes. Each home will have its own driveway after going through the gate. Therefore, it will be necessary for all visitors to go through two gates to get to the houses. There will be no signage announcing this facility in the subdivision or anywhere near it.

In response to Scott Blankenship, Ms. Allen explained that this Board could add more conditions in their motion. Many of the details will be addressed during site plan review according to the Land Development Regulations (LDRs).

When Mr. Morris asked about the proposed owner not wanting to pave the road, Ms. Allen said that according to Public Works, paving is generally required. Mr. Morris noted that it was not included in the ordinance.

Ross Pluta, Engineer III, said that Public Works would not have an issue with not paving the road since it is not intended for public use.

Dr. Charles Adkins, adjacent property owner, said this is horse country, and he was strongly opposed to a dog kennel.

Robert Herndon felt Mr. Ornstein has gone to extraordinary means to minimize any impact his facility could have on his neighbors.

**MOTION by Robert Herndon, SECONDED by Scott Blankenship to recommend approval of CUP #07/1/1-4 with the following conditions:**

1. There shall be no requirement to pave the road.
2. No public signage shall be permitted.
3. Commercial traffic shall not be permitted.

**FOR:** Morris, Blankenship, Gardner, Herndon, Bryan, Miller

**AGAINST:** None

**NOT PRESENT:** Metz

**MOTION CARRIED:** 6-0

CASE NO.: PH#50-06-2

AGENDA NO.: 7

OWNER: Clonts Grove, Inc.  
APPLICANT: Cecelia Bonifay, Esq.

Rick Hartenstein, Senior Planner, referred to the memo dated December 21, 2006 from Wayne Bennett to Chairman Bryan that was provided in the back-up information regarding staff's request that this application be removed from the public hearing process due to lack of information. Since the package was sent to this Board, staff has received a revised plan that addresses several of the issues, but the traffic analysis is still an outstanding issue that must be addressed in order for staff to move forward with a staff report and ordinance to be presented to this Board. To avoid continual advertisements and requests for postponements, staff would like to remove it from the public hearing process until all the information is submitted. Then at the first available agenda after all information is found sufficient, the case will be advertised and staff will move forward with the case. He has discussed this with the applicant's representative, and she was basically in agreement with this request.

In response to Timothy Morris, Mr. Hartenstein said it would be possible to go forward with this case based on a recommendation of denial. However, staff would like to have all the information available when making a recommendation. Chairman Bryan asked how staff's request would differ from withdrawing the case. Mr. Hartenstein said that if the case is withdrawn, it would require refiling a new application and new fees in order for it to be heard again. Staff's request is to pull it from the agenda until all information is submitted; then it will be readvertised.

Kathy Allison with Akerman Senterfitt was present to represent the owner. Her office agrees with the postponement. They have submitted a revised concept and are working on the transportation issues. However, with the holidays, it has been difficult to contact people. It is their hope and request that staff will review what has been transmitted to them so it can be placed on an agenda as quickly as possible.

When Mr. Morris asked if a date has been determined as to when the traffic study will be done, Ms. Allison said the problem has been communicating with some of the other agencies because of the holidays. However, she will be talking with the transportation consultant to determine the status. They would like to be placed on the February agenda, but they understand that staff must review the information once it is submitted to them. She noted that this is an existing grove. The owner would like to continue producing citrus; but with the location of this property and some other environmental issues with citrus, it is becoming next to impossible. In response to Mr. Morris, Ms. Allison said the owner has hired transportation and planning consultants.

**MOTION by Scott Blankenship, SECONDED by Donald Miller to accept staff's recommendation to remove PH#50-06-2 from the agenda until the additional information is supplied; it will then be readvertised to be placed back on the agenda.**

**FOR: Morris, Blankenship, Gardner, Herndon, Bryan, Miller**

**AGAINST: None**

**NOT PRESENT: Metz**

**MOTION CARRIED: 6-0**

**CASE NO.: PH#5-07-4**

**AGENDA NO.: 5**

**OWNER/APPLICANT: William "Bill" Battillo  
Vanguard Associates**

Chairman Bryan stated that he had just received a speaker card from a Mr. Brackman regarding Agenda No. 5. This case was heard and approved earlier in the meeting during approval of the consent agenda.



CASE NO.

PH#53-06-5

AGENDA NO.:

8

OWNERS:

Linda Austin and Gerald Braley

APPLICANT:

Hugh Harling, Jr., P. E.

Rick Hartenstein, Senior Planner, said this is the same scenario as the last case. The memorandum in the backup provided to the Zoning Board addressed the deficiencies and problems staff is having with this application. To avoid bringing this case back continually to request postponements, staff would like this case removed from the agenda. Once all the information has been submitted to staff so it can move forward with a staff report and ordinance to be presented to this Board, then the case will be readvertised for the next available agenda; and the case can progress through the public hearing process. The applicant is present and in agreement with this.

Hugh Harling, applicant, said he appreciated the Board and staff's patience. There is data needed that they have been trying to obtain for some time. They are working with the City of Umatilla, the Florida Department of Environmental Protection (FDEP), a small utility between the subject property and the City, and St. Johns River Water Management District. They had hoped all the data from these entities would come together, but it has not come together as fast as they wanted. The most critical issue is the utility issue. They want to be able to provide a complete package of that data before proceeding. Therefore, he confirmed that he agrees with staff's recommendation.

Robert Bone, attorney representing the Donohues, said he and his client are opposed to the staff's recommendation. He was at the public hearing last month and was opposed at that time to the continuance request. There was conversation among the Board last month that there would be no more continuances. He felt that removing this application from the agenda is essentially an indefinite continuance. He and his client felt this is a matter that needs to be decided. The Donohues are being adversely impacted. The applicant is not the only one being affected by the removal of this case from the agenda. The County, the public, and surrounding property owners are also being impacted. There have been at least five continuances. There has been plenty of time for information to have been brought forward and a decision made. Regarding the merits of the case, it is their position that this is a premature project in that it is not an orderly pattern of development. The fact that there have been many requests for continuances is an indication of the prematurity. Therefore, they would request that either this Board deny the request to remove the case from the agenda or that the applicant totally withdraw the application and resubmit it a later time, having to meet all concurrency requirements at the time of the application. He felt these continuances are stringing along the property owners in the area and is land speculation. He has information that this property has been shown to at least six different potential developers. The owners are grasping at straws.

Deanna Donohue, adjacent property owner, said that when she learned a year and a half ago of the proposal to construct 700 homes on the subject property, she put her 17 acres of property on the market as she did not want to live next to 700 homes. When a potential buyer comes to her home, she must disclose to them the possibility of an adjacent subdivision. They have lost several interested buyers over the prospect of 700 homes being constructed. She asked that this application be withdrawn at this time. An application was submitted prior to all the necessary information being available.

Based on the input from Mr. Bone and Ms. Donohue, Mr. Harling said they would respectfully request a withdrawal of the application. The information from St. Johns River Water Management District was to be received before Thanksgiving. They do not have that information and do not know when it will be received. Once all the information is obtained and everything has been coordinated between the four entities, they will reapply. Chairman Bryan agreed that that was the most appropriate action to take. In response to Chairman Bryan, Mr. Hartenstein said that staff concurs.

**CASE NO. PH#53-06-5**

**AGENDA NO.: 8**

**OWNERS: Linda Austin and Gerald Braley**  
**APPLICANT: Hugh Harling, Jr., P. E.**

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**MOTION by Timothy Morris, SECONDED by Scott Blankenship to accept the withdrawal of PH#53-06-5.**

**FOR: Morris, Blankenship, Gardner, Herndon, Bryan, Miller**

**AGAINST: None**

**NOT PRESENT: Metz**

**MOTION CARRIED: 6-0**

As this may be his last meeting because his term expires on January 31, Donald Miller thanked staff for their efforts and patience with the members of this Board. Chairman Bryan said he appreciated the service Mr. Miller has given to the Zoning Board.

**Adjournment**

There being no further business, the meeting was adjourned at 10:00 a.m.

Respectfully submitted,

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Sherie Ross  
Public Hearing Coordinator

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Paul Bryan  
Chairman